

1 Brian C. Rocca, S.B. #221576  
brian.rocca@morganlewis.com

2 Sujal J. Shah, S.B. #215230  
sujal.shah@morganlewis.com

3 Michelle Park Chiu, S.B. #248421  
michelle.chiu@morganlewis.com

4 Minna Lo Naranjo, S.B. #259005  
minna.naranjo@morganlewis.com

5 Rishi P. Satia, S.B. #301958  
rishi.satia@morganlewis.com

6 **MORGAN, LEWIS & BOCKIUS LLP**

7 One Market, Spear Street Tower  
San Francisco, CA 94105  
Telephone: (415) 442-1000

8 Richard S. Taffet, *pro hac vice*  
richard.taffet@morganlewis.com

9 **MORGAN, LEWIS & BOCKIUS LLP**

10 101 Park Avenue  
New York, NY 10178  
Telephone: (212) 309-6000

13 *Counsel for Defendants Google LLC, et al.*

Glenn D. Pomerantz, S.B. #112503  
glenn.pomerantz@mto.com

Kuruvilla Olasa, S.B. #281509  
kuruvilla.olasa@mto.com

Nicholas R. Sidney, S.B. #308080  
nick.sidney@mto.com

**MUNGER, TOLLES & OLSON LLP**  
350 South Grand Avenue, Fiftieth Floor  
Los Angeles, California 90071  
Telephone: (213) 683-9100

Kyle W. Mach, S.B. #282090  
kyle.mach@mto.com

Justin P. Raphael, S.B. #292380  
justin.raaphael@mto.com

Emily C. Curran-Huberty, S.B. #293065  
emily.curran-huberty@mto.com

Dane P. Shikman, S.B. #313656  
dane.shikman@mto.com

**MUNGER, TOLLES & OLSON LLP**  
560 Mission Street, Twenty Seventh Floor  
San Francisco, California 94105  
Telephone: (415) 512-4000

Jonathan I. Kravis, *pro hac vice*  
jonathan.kravis@mto.com

**MUNGER, TOLLES & OLSON LLP**  
601 Massachusetts Avenue NW, Suite 500E  
Washington, D.C. 20001  
Telephone: (202) 220-1100

Neal Kumar Katyal, *pro hac vice*  
neal.katyal@hoganlovells.com

Jessica L. Ellsworth, *pro hac vice*  
jessica.ellsworth@hoganlovells.com

**HOGAN LOVELLS US LLP**  
555 Thirteenth Street, NW  
Washington, D.C. 20004  
Telephone: (202) 637-5600

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

This Document Relates To:

*Epic Games Inc. v. Google LLC et al.*, Case  
No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust  
Litigation*, Case No. 3:20-cv-05761-JD

*State of Utah et al. v. Google LLC et al.*,  
Case No. 3:21-cv-05227-JD

*Match Group, LLC et al. v. Google LLC et al.*,  
Case No. 3:22-cv-02746-JD

Case No. 3:21-md-02981-JD

**DEFENDANTS' REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT  
OF MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

Judge: Hon. James Donato

**REQUEST FOR JUDICIAL NOTICE**

Defendants Alphabet, Inc., Google LLC; Google Ireland Limited, Google Commerce Limited; Google Asia Pacific PTE. Limited; and Google Payment Corp. (collectively, “Google”), request that the Court take judicial notice of the following exhibit, attached to the Declaration of Glenn Pomerantz filed concurrently in connection with Defendants’ Motion for Partial Summary Judgment.

**Exhibit 18:**<sup>1</sup> A news article titled “Verizon Preps Challenge to Google’s App Store” dated August 20, 2014.

Google does not cite Exhibit 18 for its truth. Rather, Google cites Exhibit 18 to demonstrate that details of Google’s carrier Revenue Sharing Agreements (“RSAs”) have been public since at least 2014. Br. at 16. Courts “may take judicial notice of publicly available newspaper and magazine articles and web pages that ‘indicate what was in the public realm at the time, not whether the contents of those articles were in fact true.’” *Tarantino v. Gawker Media, LLC*, 2014 WL 2434647, at \*1 n.1 (C.D. Cal. Apr. 22, 2014) (quoting *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010)); *Ryan v. Microsoft Corp.*, 147 F. Supp. 3d 868, 873 n.1 (N.D. Cal. 2015). Because Exhibit 18 “constitute[s] relevant information in the public realm in [August] 2014,” it is “properly before the Court.” *Tarantino*, 2014 WL 2434647, at \*1 n.1.

Accordingly, Google respectfully requests that the Court consider Exhibit 18, not for the truth of the matters asserted, but for the fact that details of the carrier RSAs were in the public realm in 2014.

---

<sup>1</sup> Exhibit 18 is attached to the Declaration of Glenn Pomerantz filed concurrently with Google’s Motion for Partial Summary Judgment.

1 DATED: April 20, 2023

Respectfully submitted,

3 By: /s/ Glenn D. Pomerantz

4 Glenn D. Pomerantz

5 Glenn D. Pomerantz, S.B. #112503

6 glenn.pomerantz@mto.com

7 Kuruvilla Olasa, S.B. #281509

8 kuruvilla.olasamto.com

9 Nicholas R. Sidney, S.B. #308080

10 nick.sidney@mto.com

11 **MUNGER, TOLLES & OLSON LLP**

12 350 South Grand Avenue, Fiftieth Floor

13 Los Angeles, California 90071

14 Telephone: (213) 683-9100

15 Kyle W. Mach, S.B. #282090

16 kyle.mach@mto.com

17 Justin P. Raphael, S.B. #292380

18 justin.rafael@mto.com

19 Emily C. Curran-Huberty, S.B. #293065

20 emily.curran-huberty@mto.com

21 Dane P. Shikman, S.B. #313656

22 dane.shikman@mto.com

23 **MUNGER TOLLES & OLSON LLP**

24 560 Mission St., Suite 2700

25 San Francisco, CA 94105

26 Telephone: (415) 512-4000

27 Facsimile: (415) 512-4077

28 Jonathan I. Kravis, *pro hac vice*

jonathan.kravis@mto.com

**MUNGER, TOLLES & OLSON LLP**

601 Massachusetts Avenue NW, Suite 500E

Washington, D.C. 20001

Telephone: (202) 220-1100

1 Brian C. Rocca, S.B #221576  
brian.rocca@morganlewis.com  
2 Sujal J. Shah, S.B #215230  
sujal.shah@morganlewis.com  
3 Michelle Park Chiu, S.B #248421  
michelle.chiu@morganlewis.com  
4 Minna Lo Naranjo, S.B #259005  
minna.naranjo@morganlewis.com  
5 Rishi P. Satia, S.B #301958  
rishi.satia@morganlewis.com  
6 **MORGAN, LEWIS & BOCKIUS LLP**  
One Market, Spear Street Tower  
7 San Francisco, CA 94105  
Telephone: (415) 442-1000  
8 Facsimile: (415) 422-1001

9 Richard S. Taffet, *pro hac vice*  
richard.taffet@morganlewis.com  
10 **MORGAN, LEWIS & BOCKIUS LLP**  
101 Park Avenue  
11 New York, NY 10178  
Telephone: (212) 309-6000  
12 Facsimile: (212) 309-6001

13 Neal Kumar Katyal, *pro hac vice*  
neal.katyal@hoganlovells.com  
14 Jessica L. Ellsworth, *pro hac vice*  
jessica.ellsworth@hoganlovells.com  
15 **HOGAN LOVELLS US LLP**  
555 Thirteenth Street, NW  
16 Washington, D.C. 20004  
Telephone: (202) 637-5600  
17 Facsimile: (202) 637-5910

18 *Counsel for Defendants Google LLC, et al.*  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**E-FILING ATTESTATION**

I, Glenn D. Pomerantz, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(h)(3), I hereby attest that counsel for Defendants have concurred in this filing.

/s/ Glenn D. Pomerantz

Glenn D. Pomerantz